

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,
INC., a Michigan corporation; PULTE
DEVELOPMENT NEW MEXICO, INC., a
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,
an Ohio corporation; THE CINCINNATI
INSURANCE COMPANY, an Ohio
corporation; THE CINCINNATI
CASUALTY COMPANY, an Ohio
corporation; HDI GLOBAL SPECIALTY SE
fka INTERNATIONAL INSURANCE OF
HANNOVER, a New York corporation;
SENTINEL INSURANCE COMPANY,
LTD, a Connecticut corporation;
GUIDEONE NATIONAL INSURANCE
COMPANY, an Iowa corporation;
COLORADO CASUALTY COMPANY, a
New Hampshire corporation; OHIO
SECURITY INSURANCE COMPANY, a
New Hampshire corporation; DONEGAL
MUTUAL INSURANCE COMPANY fka
MOUNTAIN STATES MUTUAL
CASUALTY COMPANY, a Pennsylvania
corporation; ACE AMERICAN
INSURANCE COMPANY, a Pennsylvania
corporation; FIRST MERCURY
INSURANCE COMPANY, a Delaware
corporation; CENTURY SURETY
COMPANY, an Ohio corporation; UNITED
SPECIALTY INSURANCE COMPANY, a
Delaware corporation; GEMINI
INSURANCE COMPANY, a Delaware
corporation; PELEUS INSURANCE
COMPANY, a Virginia corporation;
AMERICAN HALLMARK INSURANCE
COMPANY OF TEXAS, a Texas
corporation; CENTRAL MUTUAL
INSURANCE COMPANY, an Ohio
corporation; SOUTHERN INSURANCE

CIVIL NO. 1:22-cv-00388-MV-SCY

**STIPULATION TO DISMISS
PLAINTIFFS' CLAIMS AGAINST
DEFENDANT STARR INDEMNITY &
LIABILITY COMPANY (ECF 1)**

COMPANY, a Texas corporation;
NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD, an Illinois
corporation; NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA, a Pennsylvania
corporation; STARR INDEMNITY &
LIABILITY COMPANY, a Texas
corporation; ENDURANCE AMERICAN
INSURANCE COMPANY, a Delaware
corporation; CLARENDON NATIONAL
INSURANCE COMPANY, as successor in
interest by way of merger with Sussex
Insurance Company fka as Companion
Property and Casualty Insurance Company, a
Texas corporation; KNIGHT SPECIALTY
INSURANCE COMPANY, a Delaware
corporation; FEDERATED MUTUAL
INSURANCE COMPANY, a Minnesota
corporation,

Defendants.

AND RELATED COUNTERCLAIM

**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT STARR
INDEMNITY & LIABILITY COMPANY (ECF 1)**

IT IS HEREBY STIPULATED by and between Plaintiffs PULTE HOMES OF NEW
MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. ("Plaintiffs") and
Defendant STARR INDEMNITY & LIABILITY COMPANY, by and through their respective
attorneys of record, that Plaintiffs' claims against Defendant STARR INDEMNITY &
LIABILITY COMPANY as asserted in Plaintiffs' Complaint (ECF 1) and any other claims that

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could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1).

Each party shall bear their own attorneys' fees and costs.

Dated: March 9, 2023

Dated: March 9, 2023

PAYNE & FEARS LLP

MAYER LLP

By: /s/ Sarah J. Odia
Scott S. Thomas, Bar No. 21-275
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Attorneys for Defendant Starr Indemnity
& Liability Company

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2023, a true and correct copy of **STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT STARR INDEMNITY & LIABILITY COMPANY (ECF 1)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens
Jennifer Stephens, an Employee of
PAYNE & FEARS LLP

4874-4806-9974.1